

1 William M. Ragland, Jr.  
2 (Ga. State Bar No. 591888)  
3 WOMBLE CARLYLE SANDRIDGE  
4 & RICE PLLC  
5 271 17<sup>TH</sup> Street, NW  
6 Suite 2400  
7 Atlanta, GA 30363-1017  
8 Tel: 404.888.7466  
9 Fax: 404.870.2401  
10 [wragland@wcsr.com](mailto:wragland@wcsr.com)

11 *Counsel for Defendant*  
12 *Graphic Packaging International, Inc.*

13 UNITED STATES DISTRICT COURT  
14  
15 NORTHERN DISTRICT OF CALIFORNIA  
16  
17 SAN FRANCISCO DIVISION

18 San Francisco Technology, Inc.,

19 Plaintiff,

20 v.

21 Adobe Systems Incorporated, The Brita  
22 Products Company, Delta Faucet  
23 Company, Evans Manufacturing, Inc.,  
24 The Evercare Company, Graphic  
25 Packaging International, Inc., Magnum  
26 Research Inc., Pavestone Company LP,  
27 The Proctor & Gamble Company, S.C.  
28 Johnson & Son Inc., Spectrum Brands  
Inc., Super Swim Corp., Unilocking,  
West Coast Chain Mfg. Co.,

Defendants.

CASE NO: 5:09-cv-06083-RS-HRL

**DECLARATION OF BARRY BIDDLE IN  
SUPPORT OF DEFENDANT GRAPHIC  
PACKAGING INTERNATIONAL, INC.'S  
(1) MOTION TO DISMISS;  
(2) MOTION TO SEVER AND  
TRANSFER VENUE TO THE  
NORTHERN DISTRICT OF GEORGIA**

[Filed concurrently with (1) Notice of Motion  
and Motion to Dismiss; Memorandum of  
Points and Authorities; (2) Notice of Motion  
and Motion to Sever and Transfer Venue to  
the Northern District of Georgia; (3) and  
[Proposed] Order Re Motion to Dismiss; and  
(4) [Proposed] Order Re Motion to Transfer]

Complaint Filed: December 30, 2009

Judge: Hon. Richard Seeborg

Date: April 8, 2010

Time: 1:30 p.m.

Courtroom: Courtroom 3, 17<sup>th</sup> Floor

1 I, Barry D. Biddle, declare as follows:

2 1. My name is Barry D. Biddle and I am an in-house attorney employed by Graphic  
3 Packaging International, Inc. ("GPI") in Marietta, Georgia. I have personal knowledge of  
4 the facts stated herein.  
5

6 2. GPI designs and manufactures packaging products. GPI is a global supplier of  
7 consumer folding cartons, beverage packaging, bags, labels, active microwave packaging,  
8 and flexible and specialty packaging. GPI also offers a range of paperboard grades, high  
9 performance packaging machinery, and services.  
10

11 3. GPI has six product categories: Packaging; Paperboard; Laminations & Coatings;  
12 Systems & Machinery; Beverage Machinery; and Contract Packaging.  
13

14 4. Under the umbrella of Packaging, GPI's offerings include the following  
15 categories: Beverage Packaging; Consumer Packaging; Bags; Barrier Packaging; Labels;  
16 Strength Packaging; Active Microwave Packaging; and Flexible Plastic Packaging.  
17

18 5. Beverage Packaging includes packaging for beer, carbonated beverages, and non-  
19 carbonated beverages. Each such group includes a variety of packaging products, from  
20 six-pack basket carriers for bottles to fully enclosed cartons for large multi-packs of cans.  
21 Twin Stack® is a product offered under the Beverage Packaging category.  
22

23 6. GPI is a Delaware corporation with its headquarters and principal place of  
24 business located at 814 Livingston Court, Marietta, GA 30067.  
25  
26  
27  
28

1       7. Approximately 250 employees work in GPI's headquarters in Marietta, Georgia.  
2 Included among these employees are David Scheible, President and CEO of GPI,  
3 Michael Schmal, Senior Vice President, Beverage, Tod Hoyme, Director of Sales for  
4 North American Soft Drink, and myself. The law department is located at GPI's  
5 headquarters at 814 Livingston Court, Marietta, GA 30067.  
6

7       8. GPI has a Beverage Manufacturing Plant located in Perry, Georgia. Beverage  
8 Packaging products, including all Twin Stack® products, are manufactured at the Plant  
9 facility in Perry, Georgia. Donald Deakin is the Plant Manager of the Perry, Georgia  
10 facility.  
11

12       9. GPI's headquarters oversees and manages all of the GPI facilities and locations  
13 world-wide. All operations are ultimately managed from the Georgia headquarters.  
14

15       10. All decisions regarding United States beverage product packaging design are  
16 made in GPI's headquarters. Decisions relating to the sale and promotion of products are  
17 made from GPI's headquarters. Any decisions regarding patent marking are made in the  
18 Georgia headquarters.  
19

20       11. To the best of my knowledge and belief, most, if not all, documents and relevant  
21 witnesses relating to any decision to mark Beverage Packaging Products (including Twin  
22 Stack® products) with patent numbers are located in Georgia. There are no relevant GPI  
23 witnesses or documents in California.  
24

25       12. To the best of my knowledge and belief, most all GPI documents relating to the  
26 marketing and design of the Twin Stack® products are located in Georgia. The only  
27  
28

1 other location that might have documents and other information relevant to the  
2 allegations against GPI in this case is in Concord, New Hampshire, where GPI's  
3 Graphics Department is located. This facility provides graphics for the Twin Stack®  
4 product.  
5

6 13. GPI's Beverage Packaging group does not have any facilities in California. None  
7 of the GPI witnesses or documents relevant to this case is located in California.  
8

9 14. GPI has three facilities located in California: (1) a regional Consumer Packaging  
10 converting facility located in Irvine, California; (2) a regional Consumer Packaging  
11 converting facility located in Santa Clara, California; and (3) a CRB paper mill located in  
12 Santa Clara, California. None of these facilities design, manufacture, sell or distribute  
13 Twin Stack® products or any GPI Beverage Packaging products.  
14

15 15. Attached as Exhibit A is the entry found for San Francisco Technology, Inc at the  
16 website for the Delaware Secretary of State, <http://corp.delaware.gov/>.  
17

18 16. Attached as Exhibit B is the entry found for San Francisco Technology, Inc at the  
19 website for the California Secretary of State "Business Search," <http://kepler.sos.ca.gov/>.  
20

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Dated: February 26, 2010  
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25 \_\_\_\_\_  
26 Barry D. Biddle  
27 Graphic Packaging International, Inc.  
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**EXHIBIT A**

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**EXHIBIT B**